

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

**ARCHIE COOK, JR., individually and on
Behalf of the Wrongful Death
Beneficiaries of SHIRLEY I. COOK,**

Plaintiff,

v.

**SUN HEALTHCARE GROUP, INC.,
SUNBRIDGE HEALTH CARE, LLC,
SUNBRIDGE OF HARRIMAN, LLC,
d/b/a RENAISSANCE TERRACE CARE
AND REHABILITATION CENTER**

Defendants.

Case No: _____

JURY DEMANDED

NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT

COME now Defendants, by and through their undersigned counsel, and pursuant to 28 U.S.C. § 1441, *et seq.*, and respectfully removes this civil action to the United States District Court and would further show as follows:

1. This civil action was commenced by the Plaintiffs filing a complaint on or about November 8, 2012 in the Circuit Court for Roane County, Tennessee bearing Docket No. 12-cv-203. Defendant Sunbridge of Harriman, LLC, d/b/a Renaissance Terrace Care and Rehabilitation Center was served with process on November 15, 2012, less than thirty (30) days prior to filing this Notice; Defendants Sunbridge Healthcare, LLC and Sun Healthcare Group, Inc. were served with process on November 16, 2012, less than thirty days prior to filing this

Notice. A copy of the Complaint, Summons and Service of Process forms as were received by Defendant are attached to this Notice as collective exhibit A.

2. The Complaint seeks compensatory damages in the amount of Two Million (\$2,000,000.00) Dollars, and bases the demand on allegations of negligent conduct all of which allegedly caused personal injury and consortium damages to the Plaintiff.

3. Based on the Information provided in the Complaint, Plaintiff is a resident citizen of Roane County, Tennessee. Defendant Sun Healthcare Group, Inc. is a Delaware corporation with its principal place of business at 101 Sun Avenue, Albuquerque, New Mexico. Defendant Sunbridge Healthcare, LLC is a New Mexico limited liability company, the sole member of which is Sun Healthcare Group, Inc. Sunbridge of Harriman, LLC is a Tennessee limited liability company, the sole member of which is Sunbridge Retirement Care Associates, LLC. Sunbridge Retirement Care Associates, LLC is a Colorado limited liability company, the sole member of which is Defendant Sunbridge Healthcare, LLC. Thus, there is complete diversity of citizenship of the parties herein. *Delphi Automotive Systems, LLC v. United Plastics, Inc.*, 418 Fed. Appx. 374, 378-79 (6th Cir. 2011) ("[A]ll unincorporated entities -- of which a limited liability is one -- have the citizenship of each partner or member.") (quoting *Delay v. Rosenthal Collins Group, LLC*, 585 F.3d 1003 (6th Cir. 2009)).

4. As a result of the complete diversity of citizenship of the parties and the fact that Plaintiff seeks damages in this civil action for some exclusive of interest and costs exceeding \$75,000, Defendants respectfully assert that they are entitled to have this civil action removed to the this Honorable Court.

5. A complete copy of this filing and Notice of this removal is being filed simultaneously with the Clerk of the Circuit Court for Morgan County, Tennessee.

WHEREFORE, Defendants hereby remove this civil action from the Circuit Court for Roane County, Tennessee to the United States District Court for the Eastern District of Tennessee at Knoxville.

Respectfully submitted this 12th day of December, 2012.

/s/ Summer H. McMillan
Christy Tosh Crider (BPR # 018932)
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Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing has been served upon the following counsel for parties in interest herein by delivering same to the offices of said counsel, or by mailing same to the offices of said counsel by United States Mail with sufficient postage thereon to carry the same to its destination.

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This the 12th day of December, 2012.

/s/ Summer H. McMillan
Summer H. McMillan